IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13617 of 2004

Between:

1 Toddy Tappers Cooperative Society Bethavole, rep by its President Dontagani Ramulu S/o.Gopaiah 62 years R/o.Bethavole, Chilkur Mandal Nalgonda District.
2 Toddy Tappers Cooperative Society Tallakhamma Pahad, rep by its President Bellamkonda Gurvaiah S/o. Venkaiah 60 years R/o. Tallakhamma Pahad Suryapet Mandal, Nalgonda District.

..... PETITIONERS

AND

1 The District Collector Nalgonda District Nalgonda.
2 Prohibition and Excise Superintedent, Nalgonda.
3 Prohibition and Excise Circle Inspector Kodada, Nalgonda District.
4 Prohibition and Excise Circle Inspector Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus declaring the action of the respondents in demanding and collecting tree tax for the trees located in the Government land as illegal, arbitrary without jurisdiction null and void.

Counsel for the Petitioners:MR.BATHINI PAPA RAO GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

ORDER:

The petitioners were granted licences for tapping toddy and they were allotted the Toddy and Shendi trees at Kondapura village. According to the petitioners, some of the said trees are situated in the Government lands. The petitioners claim that as per Clause 14 of G.O.Ms. No. 998 P&E dated 1.10.2003 the petitioners are not liable to pay the tree tax for the trees located in the Government lands since the same are exempted from the tax. It is also stated that they made a representation before the respondents on 21.11.2003 seeking exemption, however, the said representation has not been considered so far. Hence, the writ petition is filed seeking a declaration that the action of the respondents in demanding and collecting tree tax for the trees located in the Government lands, as illegal and arbitrary.

Since, admittedly, the representation before the first respondent is still pending, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the representation of the petitioners dated 21.11.2003 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

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G. ROHINI, J.

04th August 2004

Note: Issue C.C. by tomorrow

(B/o)

Tsr.

To

1 The District Collector Nalgonda District Nalgonda.
2 Prohibition and Excise Superintedent, Nalgonda.
3 Prohibition and Excise Circle Inspector Kodada, Nalgonda District.
4 Prohibition and Excise Circle Inspector Suryapet, Nalgonda District.

5 Two CCs to Government Pleader for Prohibition & Excise, High Court Buildings, Hyderabad. (OUT)

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